



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Bronda Bessant,
Medical Security Officer Recruit
(S0239T), Ann Klein Forensic Center

Administrative Appeal

CSC Docket No. 2019-3389

ISSUED: JUNE 13, 2019

(ABR)

Ann Klein Forensic Center requests that Bronda Bessant be assigned a retroactive appointment date to the title of Medical Security Officer Recruit.

By way of background, the eligible list for Medical Security Officer Recruit (S0239T), Statewide promulgated on October 15, 2015 with the names of 491 eligibles and expires on October 14, 2019. Bessant ranked 412 on the subject eligible list. On May 5, 2018, a certification (OS180269) of 204 names was issued to the appointing authority with a disposition due date of September 30, 2018. It is noted that the certification contained the names of the non-veteran eligibles ranked 78 through 482. The appointing authority initially returned the certification to the Division of Agency Services (Agency Services) for disposition on November 30, 2018, indicating in part that Bessant, ranked 412, was appointed effective November 10, 2018. However, the appointing authority also indicated that six of the eligibles ranked at 432 were appointed, effective September 1, 2018 and two were appointed, effective September 29, 2019. Agency Services advised the appointing authority that it could not record such a disposition unless every impacted higher-ranked eligible, including Bessant, consented to one or more lower-ranked eligibles receiving an earlier effective date. Subsequently, all impacted eligibles, except for Bessant, consented to receiving a later appointment date than the eligibles ranked below them. Thereafter, Agency Services referred the matter to the Civil Service Commission (Commission) for enforcement.

The appointing authority was notified that the matter had been referred to the Commission for enforcement and it was advised that any failure on its part to

return the certification could subject it to the assessment of costs, charges and fines pursuant to *N.J.A.C.* 4A:10-2.2(b). Thereafter, on May 20, 2019, the appointing authority returned the certification to Agency Services with a request to provide Bessant with a retroactive appointment date of September 1, 2019 for seniority and record keeping purposes. Agency Services recorded the disposition of the certification on May 23, 2019 and it forwarded the appointing authority's request to provide Bessant with a retroactive appointment date for the Commission's review. In support of its request to provide Bessant with a retroactive appointment date, the appointing authority asserts that because it gave lower-ranked eligibles earlier appointment dates without Bessant's consent, it is now necessary to provide her with a September 1, 2018 permanent appointment date. However, it maintains that she is not entitled to back pay because she did not begin her employment as a Medical Security Officer Recruit until November 10, 2018.

Agency records indicate that Bessant has successfully completed her working test period as a Medical Security Officer Recruit.

CONCLUSION

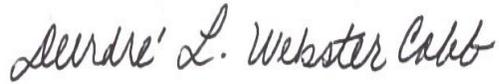
As noted previously, in disposing of the May 5, 2018 certification, the appointing authority initially attempted to provide Bessant with an effective date of November 10, 2018. However, because Bessant did not consent to receiving a later appointment date than eight eligibles ranked 432, who received appointment dates of September 1, 2018 or September 29, 2019, the appointing authority is now requesting to retroactively give her a permanent appointment date of September 1, 2018. However, as Bessant did not begin performing the duties of a Medical Security Officer Recruit until November 10, 2018, the appointing authority requests that the September 1, 2018 appointment date be recorded for seniority purposes only. A retroactive appointment date "for seniority purposes only" may be approved when it is evidenced that an appellant could have been appointed on the subject date, but through error on the part of either the appointing authority or the Civil Service Commission, received a later appointment date, or for other good cause. *See N.J.A.C.* 4A:4-1.10(c). The "for seniority purposes only" appointment designation establishes that an appellant has no claim for or entitlement to back pay. However, such an award establishes that for seniority-based programs, such as salary step placement, layoffs, and vacation leave time entitlement, seniority is predicated upon the retroactive appointment date. *See In the Matter of Wayne A. Robbins* (MSB, decided September 5, 1991). Based upon the foregoing, good cause has been established to grant a retroactive date of permanent appointment to Bessant, effective September 1, 2018, for seniority and record keeping purposes. In so doing, the remedy provided herein is limited to the facts of this case and may not be used as precedent in any other matter.

ORDER

Therefore, it is ordered that Bronda Bessant receive a date of permanent appointment to Medical Security Officer Recruit to September 1, 2018 and that all of her seniority-based benefits be adjusted accordingly.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12TH DAY OF JUNE, 2019



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